United Nations S/2003/1157

Security Council

Distr.: General
5 December 2003

Original: English

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report every 90 days on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS). Subsequently, the Security Council, at its informal consultations on 8 July 2002, requested me to submit a written report every six months.

2. Since my previous report, of 9 June 2003 (S/2003/621), the Security Council has been briefed regularly on the situation in Guinea-Bissau and more frequently since the coup d'état staged by the military on 14 September 2003. On 18 November 2003, during a private meeting on the situation in Guinea-Bissau held by the Council, my Representative in Guinea-Bissau provided a briefing to members of the Council on progress made by the Guinea-Bissau transitional authorities that were established following the events of 14 September. The current report focuses on the ongoing efforts by those authorities to implement the transition and on the contribution of UNOGBIS in that regard.

II. Political developments

3. In my last report I described the critical political and socio-economic conditions in the country, which were contributing to a possible relapse into conflict. Regrettably, it was those conditions which were cited by the military leaders as the reason for their intervention on 14 September 2003.

4. Following the military intervention, and the subsequent agreement signed on 17 September 2003 providing for the resignation of President Koumba Yalá and the return to barracks of the armed forces, a Political Transition Charter was formally agreed upon and signed on 28 September 2003.

5. Since then, as the Charter provided, the Transitional Government, led by a civilian Prime Minister, Artur Sanhá, the National Transitional Council, which fulfils the role of parliament until the legislative elections, and the civilian

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Transitional President, Henrique Pereira Rosa, have been sworn in and have begun to carry out their functions. The Charter also envisaged the holding of legislative elections within six months of its signing, that is by the end of March 2004, and presidential elections within one year of the swearing-in of the elected deputies. The priorities of the broad-based Transitional Government include the organization of legislative elections and the payment of long-standing civil service salary arrears.

6. During the critical period leading up to the transition, UNOGBIS and my Representative have provided good offices and advice to all actors in Guinea-Bissau in order to foster dialogue and help to reduce tensions.

7. I am pleased to report on a number of positive steps taken by the transitional authorities towards the implementation of the Transition Charter. To restore legality, the National Transitional Council has approved the appointment of a new Attorney-General, who took office on 27 November 2003. The Council has also approved the reinstatement, as judges of the Supreme Court of Justice, of the President and Vice-President of the Court who had been dismissed and imprisoned without trial by President Yalá. In an equally important move, the Government has announced that elections for the President and Vice-President of the Supreme Court, which many of Guinea-Bissau's partners consider one of the important benchmarks for the success of the transitional process, will be held on 16 December 2003. It is also reported that the leader of the union of the judges and magistrates, ASMAGUI, who had fled abroad in 2001, alleging that she had received death threats, has returned to the country. Under her leadership, ASMAGUI had criticized the violations of the constitution under the previous regime.

8. With regard to the cardinal transitional target of legislative elections, President Rosa, during his recent mission to New York, reaffirmed the intention of the transitional authorities to hold the legislative elections within the six-month period stipulated in the Charter. He recently told my Representative that dates for the elections would be announced soon.

9. The Government is determined to promote transparency and sound financial management, including the establishment of a new system of paying civil service salaries via banking agencies as a way of tackling the problem of ghost workers, and it has paid civil service salaries for October. Among other measures, the National Transitional Council has ordered an audit of the caretaker Government of Mario Pires, the last government under the previous regime, while Prime Minister Sanhá has suggested the possibility of establishing a commission, including representatives of the international community, to oversee the current Government's performance.

10. Another positive development is that the State and independent broadcasting and print media, as well as foreign media organizations present in Guinea-Bissau, are functioning normally, national radio and television reflecting a wider spectrum of political opinion. Because of technical problems, however, Guinea-Bissau television has been off the air since mid-November.

11. The transitional authorities have embarked on a series of contacts with regional and international partners to inform them of developments and engage them in dialogue on possible support for a peaceful and durable transition to democracy. President Rosa has visited neighbouring States and a number of other countries in the subregion and beyond. A delegation of the Community of Portuguese-speaking Countries visited Bissau early in November for talks with the authorities and other

actors. The Government of Portugal has appointed an envoy to support initiatives by the Government of Guinea-Bissau to re-establish working relations with its international partners. China, as part of its cooperation programme, is building a new National Assembly in Bissau.

12. The authorities have also maintained close contact with my Representative in Guinea-Bissau and President Rosa asked me to extend the mandate of UNOGBIS until 31 December 2004 to facilitate dialogue among all actors and to promote national reconciliation during the transition.

13. Security Council members will recall that on 11 November 2003, I proposed (see S/2003/1096), and the Council subsequently approved (see S/2003/1097), the extension of UNOGBIS until 31 December 2004 with a revised mandate to better respond to the changed circumstances on the ground.

III. Military and security aspects

14. Since the coup d'état of September, security patrols along the country's borders have been strengthened. The situation along the border with Senegal remains calm although there are occasional reports of incidents. In August 2003, Guinea-Bissau sent a 650-strong contingent to join the United Nations Mission in Liberia (UNMIL).

15. Internally, there are reported tensions among the army rank and file over the longstanding backlog of salary arrears and poor conditions in the barracks. The Chief of Staff, who is also the President of the National Transitional Council, has however stated that the army remains united. He has held meetings with supporters of the late General Ansumane Mane and with those who identified themselves with former President Nino Vieira, with a view to maintaining the unity of the armed forces, especially in this transitional period. Representatives of the former combatants are demanding, inter alia, a full amnesty, their reinstatement into the army, and a formal agreement witnessed by the United Nations and the international community. UNOGBIS has begun discussions on the implementation of a disarmament action programme with the aim of reducing the number of illegally held small arms.

16. The reintegration phase of the demobilization, reinsertion and reintegration programme is in progress and is scheduled to end in June 2004. The Multi-donor Trust Fund for the programme is currently able to fund only 4,372 beneficiaries, identified as the most vulnerable of a total of 11,300 ex-combatants. That led to a peaceful protest on 20 November 2003 by excluded ex-combatants who were demanding inclusion in the reintegration phase. The World Bank has initiated a partial restructuring of its portfolio to accommodate the financial needs of the programme.

17. Despite the lack of resources and mounting salary arrears, members of the police force are still reporting to work and fulfilling their law and order duties in a manner that has led to a noticeable decrease in the number of cases, especially in the capital. The Transitional Government is including in its plans the establishment of a training centre for police, and the civilian police adviser of UNOGBIS is assisting in the formulation of those plans.

IV. Human rights aspects

18. UNOGBIS has continued to monitor the human rights situation, focusing on civil liberties and dialogue with the authorities. It is currently following the cases of 10 members of the military detained since December 2002 and allegedly accused of plotting a coup d'état, who still await trial. The military tribunal still lacks logistical and financial means to function effectively and expeditiously. The former President, Koumba Yalá, remains under house arrest by order of the military. Six of his close associates, including his sister, have been warned by the military not to engage in activities likely to endanger public order.

19. As part of its efforts to reinforce national capacity in the protection and respect of human rights, UNOGBIS has continued to work with the Inter-Ministerial Committee on Human Rights of Guinea-Bissau to develop the National Human Rights Plan of Action, which was launched in March 2003. The Office has also organized human rights training for the 650 members of the contingent from Guinea-Bissau now serving with UNMIL.

20. With regard to supporting the role of women as part of civil society, the United Nations system has organized seminars to promote the empowerment of women. The cycle of provincial and regional conferences organized by UNOGBIS to encourage women of various political, ethnic and professional backgrounds to participate in the political process within the framework of its reconciliation programme was interrupted by the events of 14 September and will resume in 2004.

V. Economic and social aspects

21. According to the International Monetary Fund (IMF), the transitional authorities found a situation in which revenue collection had almost collapsed, so that government income is currently far below projected levels, while expenditure was not properly controlled or recorded. As a result, the social and economic situation remains of grave concern, threatening to disrupt the current fragile political consensus. The non-payment of salaries for most of 2003 to most of the country's public sector workers, the inability of the majority of children to attend school during the past year, and reports of increased avoidable mortalities because of the Government's failure to pay for basic medicines and medical care continue to feed social tensions. Current official estimates for rates of HIV/AIDS infection are relatively low, at 4.1 per cent, but the national programme against AIDS estimates that unless there is an improved national response there will be a fivefold increase in the HIV infection rate in the next five years.

22. Efforts are under way to assist the transitional authorities to overcome the current crisis, and political and economic entities of the United Nations system are working hand in hand to that end. Working closely with my Representative, the United Nations country team, under the leadership of the Resident Coordinator, has provided support to the new authorities as they set about tackling the enormous social and economic challenges which confront them. IMF, the World Bank and the African Development Bank have sent missions to Bissau in recent weeks to review the situation and to make recommendations, which have received the full support and collaboration of the country team.

23. IMF, working with the World Bank, the African Development Bank and the United Nations Development Programme (UNDP) have provided technical assistance to the Government in drawing up a seven-month emergency economic management plan for the period from December 2003 to June 2004.

24. Although the Government of Guinea-Bissau plans to present its vision and development strategy at the round table conference planned for 2004, there is an immediate need for a bridging mechanism to mobilize and coordinate urgent assistance to Guinea-Bissau. To that end, the World Bank plans to convene an informal meeting of donors in Paris on 16 December 2003. In the meantime, UNDP has established a multi-donor Guinea-Bissau Emergency Economic Management Fund to address the most urgent needs of the population and to establish, within the framework of the budget of the Government of Guinea-Bissau and the staff-monitored programme of IMF, a suitable and coordinated instrument to help fund essential recurrent budgetary expenditure in key sectors required for the Government to function effectively, which could include the salaries of civil servants and technical assistance to key ministries. Those instruments could also help to promote transparency and accountability in the provision of emergency assistance and provide a neutral entity to manage resources made available for emergency support.

VI. Observations

25. I wish to express my gratitude to the subregional leaders and institutions, including in particular the Economic Community of West African States and the Community of Portuguese-speaking Countries, for their constructive role in helping to resolve the crisis peacefully, following the military intervention of 14 September. Promoting stability in Guinea-Bissau is critical for the stability in a subregion beset by so many conflicts.

26. The recent removal of the democratically elected President in Guinea-Bissau, however reprehensible, should not be seen as a single event interrupting an ongoing democratic process, but as the culmination of an untenable situation during which constitutional norms were repeatedly violated. I would like to invite the international community to consider how to deal preventively with post-conflict situations, where governments, although democratically elected, defy constitutional order, flout basic practices of governance and thus become an added source of instability.

27. It is encouraging that the Transitional Government has taken some important steps in the right direction. I call on all actors in Guinea-Bissau to stay the course and to continue working together in search of the right solution to the urgent problems confronting their country.

28. The transitional authorities have appealed to the international community for urgent assistance. It is my hope that at the planned meetings of donors such assistance will be forthcoming. In the meantime, I commend the timely initiative of the United Nations Development Programme in establishing the Emergency Economic Management Fund and I appeal to Guinea-Bissau's partners to consider using this mechanism as a useful framework for channelling urgent assistance to the country.

29. The crucial task in 2004 will be to help Guinea-Bissau to create a propitious political environment for the peaceful conduct of the transition, as it will be nearing its conclusion in 2005, and, in particular, for the holding of credible legislative elections by March 2004. I hope, in this regard, that the international community will remain engaged to help ensure that commitments undertaken are fulfilled.

30. I am encouraged by the work undertaken by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Security Council, the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the group of Friends of Guinea-Bissau. I also wish to commend the flexibility shown to Guinea-Bissau by the Bretton Woods institutions by their continued engagement in that country. The United Nations system on the ground stands ready to work with them.

31. Finally, I should like to pay tribute to my Representative in Guinea-Bissau, David Stephen, as well as to the staff of UNOGBIS and the United Nations country team for their dedicated contributions to the peaceful resolution of the recent crisis and for their constructive support to the ongoing transition.